

REMARKS/ARGUMENTS

The foregoing amendments and the remarks that follow are meant to impart precision to the claims, and more particularly point out the invention, rather than to avoid prior art.

Claims 1-3, 10-14, 21 and 23 are pending in the application. Claims 1-3, 10-14, 21 and 23 were rejected. Claims 1, 3, 11, 13, 14 and 23 have been amended.

CLAIM REJECTIONS - 35 USC § 103

The Examiner has rejected claims 1-3, 10-14, 21 and 23 under 35 USC § 103(a) as being unpatentable over Abbott et al., U.S. Patent No. 6,671,808 (hereinafter “Abbott”), and further in view of Burger, U.S. Patent Publication No. 2005/0060586 (hereinafter “Burger”).

The Examiner states that the Examiner is merely trying to interpret the claims in its broadest and reasonable meaning and will not narrowly construe the claim language. With all due respect, the Applicants request that the Examiner readdress the cited claim language and specifically point out where these limitations are taught or suggested by the references.

All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). MPEP § 2143.03 (emphasis added).

Independent claim 1 as amended includes the limitation: “an apparatus comprising: ... a storage medium ... wherein the storage medium is configured to store ... an encrypted log of unique identifiers of locations the apparatus and the individual have visited.” Applicants respectfully submit that independent claim 1 is patentably distinguished over *Abbott* in view of *Burger* because the combined references do not teach or suggest this limitation.

The Examiner merely states the argument is not persuasive. But the Examiner does not explain how *Abbott* or *Burger* teach or suggest “an apparatus comprising: ... a storage medium ... wherein the storage medium is configured to store ... an encrypted log of unique identifiers of locations the apparatus and the individual have visited.” The Examiner cites about 300 lines of *Abbott* and does not tie any of the Examiner’s assertions to any specific portion of the citation.

Applicants respectfully submit that the lack of specificity makes it difficult to understand and respond to the Examiner's argument.

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified. 37 CFR 1.104(c)(2). See also MPEP § 706.

For example, the Examiner does not point out where an *encrypted log* is disclosed or suggested in *Abbott* or *Burger*. The word "log" was not found in *Abbott*. *Burger* includes several references to logging transactions and data, but explicitly states that that log is stored on a *network server*, not the apparatus (steps 2008, 2108 and 2204, and paragraphs 481, 489, 495 and 517). In addition, the Examiner does not point out where *Abbott* or *Burger* teach or suggest storing *unique identifiers of locations* that the *apparatus* and individual *have visited*.

The Examiner states that *Abbott* discloses a personal key providing "integrated password and digital certificate management, software security, and personal identification capability in a single compact package." (found at column 1, lines 15-19, field of the invention). But the Examiner does not explain how this citation teaches or suggests "an apparatus comprising: ... a storage medium ... wherein the storage medium is configured to store ... an encrypted log of unique identifiers of locations the apparatus and the individual have visited."

On page 3 of the office action, the Examiner states that *Abbott* discloses a unique device identification embedded in the device. However, the Applicants could not find the word "identification" or "ID" anywhere in *Abbott* except for the field of the invention and there it relates to *personal* identification, not *device* identification. A more specific citation would help Applicant understand where the Examiner believes device identification is disclosed in *Abbott*. Although *Burger* does disclose a chip ID, the Examiner does not explain how disclosing a chip ID teaches or suggests "an apparatus comprising: ... a storage medium ... wherein the storage medium is configured to store ... an encrypted log of unique identifiers of locations the apparatus and the individual have visited."

The Examiner further states that *Burger* discloses memory for storing financial and non-financial transaction information and an apparatus comprising a user authenticator to authenticate a user. The Applicants respectfully submit that the apparatus of *Burger* can store a token that is wirelessly transmitted at a point of sale to identify an account for a transaction once the user has been authenticated (abstract). Applicants respectfully submit that *Burger* does not teach or suggest “an apparatus comprising: ... a storage medium ... wherein the storage medium is configured to store ... an encrypted log of unique identifiers of locations the apparatus and the individual have visited.”

Abbott discloses securing the individual’s sensitive information stored on the personal device using biometric data, such as fingerprints, to confirm the identity of the person possessing the key. In other words, *Abbott* suggests that the individual be able to protect their own sensitive information against all others (e.g., only the individual can access the information because it requires the individual’s fingerprints). *Abbott* does not teach or suggest that the individual be restricted from accessing or modifying their own information. In contrast, claim 1 as amended includes the limitation: “the controller configured to restrict the individual from modifying ... the encrypted log of unique identifiers of locations the apparatus and the individual have visited, as stored in the storage medium.”

Independent claim 1 is patentably distinguished over *Abbott* in view of *Burger* for at least the reasons above. Claim 11, having similar limitations as claim 1, is patentably distinguished over the combined references for the same reasons. Claims 2-3 and 10, being dependent on claim 1, and claims 12-14, 21 and 23, being dependent on claim 11, are patentably distinguished for the same reasons.

CONCLUSION

It is respectfully submitted that all of the Examiner's objections have been addressed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

Authorization is hereby given to charge our Deposit Account No. 50-2638 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such an extension.

Respectfully submitted,

Date: March 26, 2008

/Alexander U. Witkowski/
Alexander U. Witkowski
Reg. No. 43,280

Customer Number 73319
GREENBERG TRAURIG, LLP
(650) 328-8500 Telephone
(650) 328-8508 Facsimile
witkowskia@gtlaw.com